

JASON DAVIS

V.

Respondent.

Chief Judge Curtis L. Collier

Further, should Petitioner file a timely notice of an appeal from this order, such notice will be treated as an application for a certificate of appealability, which is hereby **DENIED** since, he has failed to make a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2); Fed. R. App. P. 22(b). As discussed in the memorandum opinion filed herewith, Petitioner's claims are clearly without merit, and he cannot present a question of some substance about which reasonable jurists would differ. *Slack v. McDaniel*, 529 U.S. 473, 483-84 (2000) ("To obtain a COA under § 2253(c), a habeas prisoner must make a substantial showing of the denial of a constitutional right, a demonstration that, under *Barefoot* v. *Estelle*, 463 U.S. 880, 894 (1983)] includes showing

that reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were ‘adequate to deserve encouragement to proceed further.’” (citation omitted)). Thus, a COA will not issue.

This is a **FINAL ORDER**. The Clerk of Court shall close the record in this case.

SO ORDERED.

ENTER:

/s/
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE

ENTERED AS A JUDGMENT
s/ Patricia L. McNutt
CLERK OF COURT